



City of Carmel

CARMEL PLAN COMMISSION

May 16, 2006

Minutes

The regularly scheduled meeting of the Carmel Plan Commission met at 6:00 PM in the Council Chambers of City Hall, Carmel, Indiana on May 16, 2006. The meeting opened with the Pledge of Allegiance.

Members in attendance: Jerry Chomanczuk; Leo Dierckman; Dan Dutcher; (late arrival) Wayne Haney; Kevin Heber; Mark Rattermann; Rick Ripma; Carol Schleif; Steve Stromquist; and Madeleine Torres, thereby constituting a quorum.

The minutes of the April 18, 2006 meeting were approved as corrected.

Members of the Department of Community Services in attendance: Mike Hollibaugh, Director; Matt Griffin, Christine Barton-Holmes, and Adrienne Keeling, City Planners. John Molitor, Legal Counsel was also in attendance.

Legal Counsel Report, John Molitor: Due to the conflict of Leo Dierckman serving as Vice President and Special Studies Chair, Leo resigned as Vice President and will continue to serve as Special Studies Committee Chairperson. Currently there is a vacancy in the office of Vice President that is to be filled by the Commission.

Leo Dierckman nominated Madeleine Torres for the office of Vice President to serve the remainder of the year. Rick Ripma seconded the nomination. Madeleine Torres was elected Vice President by a vote of nine in favor none opposed (9-0.)

Department Announcements, Matt Griffin: There are two continuances to the June 20, 2006 meeting—Docket No. 06010003 Z, Guerrero Property PUD; Docket No. 06010008 Z, Midtown Village PUD.

H. Public Hearings:

1H. Docket No. 06010003 Z: Guerrero Property PUD – CONTINUED TO JUNE 20

The applicant seeks to rezone 38.8 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing attached single-family residences and townhomes.

The site is located at the northwest corner of Towne Road and 131st Street.

Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land

Development Co.

2H. Docket No. 06010025 DP/ADLS: Huntington National Bank

The applicant seeks Development Plan, Architectural Design, Lighting, and Signage approval for 1.155 acres, for the purpose of building a bank on an outlot on a larger retail commercial parcel.

The site is located at 10925 North Michigan Road and is zoned B2/Business.

Filed by Brad Schneider of Professional Design Group for Huntington National Bank.

Brad Schneider, Professional Design Group appeared before the Commission representing Huntington National Bank. The petitioner is proposing to construct a 3,000 square foot branch bank for Huntington National Bank in the Weston Pointe Development on US 421 Michigan Road within the Michigan Road Overlay. The building would be situated on an outlot of Weston Pointe on 1.155 acres.

The building materials will be brick with a base around the building, and a shingled roof; the top of the building will be synthetic stucco.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin. The Department is recommending this item be sent to the June 6, 2006 Special Studies Committee for further review. The petitioner should be prepared to address the landscape plan, bicycle parking, and signage details. The petitioner is to bring building material samples to Committee as well.

Commission Member Comments:

Wayne Haney asked the architect what his experience is with two-way traffic around the bank. Traffic from the first entry looks as if it might be a little confusing.

Mr. Schneider reported that traffic circulation is one-way around the building.

Jerry Chomanczuk asked the Department about a moratorium that was to have been declared on Michigan Road as far as drive-through lanes.

Matt Griffin responded that the moratorium was never enacted.

Rick Ripma asked if the building as situated meets the requirements of the Overlay Zone.

Matt Griffin responded in the affirmative.

Docket No. 06010025 DP/ADLS, Huntington National Bank was referred to the Special Studies Committee for further review on June 6, 2006 at 6:00 PM.

3H. **Docket No. 06030028 SW: Village on the Monon**
SCO Chapter 7.05.07, Woodlands

Request to allow for a reduction in the number of trees preserved.

The site is located at 1320 Rohrer Road and is zoned R1 Residential

Filed by Kevin Roberts of DeBoy Land Dev. Services for The Anderson Corp.

Jim Anderson, The Anderson Corp. appeared before the Commission representing the applicant. Kevin Roberts, DeBoy Land Development Services was also in attendance.

The petitioner is seeking a waiver from the Subdivision Control Ordinance to reduce the tree preservation standard for a previously filed project.

The project has approximately 34% open space on 6.67 acres. It is difficult for the petitioner to conform to the woodland preservation after complying with all of the other standards such as roadways, drainage, etc.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin: The primary plat for this project is currently at the Committee level—the public hearing this evening is for the waiver request only. The Department is recommending this item be referred to the Subdivision Committee on June 6, 2006 for review and discussion in conjunction with the Primary Plat request. The Department requested a tree inventory overlaid on the site plan and the petitioner has submitted that this evening. At this time, we are looking forwarding to discussing this at the Committee level.

Commission Members/Comments:

Rick Ripma stated that he was not comfortable tearing out a lot of trees, especially if the petitioner is going beyond what they are allowed to do unless there are some compensating factors or if the petitioner intends to compensate by planting additional trees. Rick asked for pictures of the area showing the trees.

Matt Griffin said that Scott Brewer would look at this closely and make a recommendation.

Wayne Haney asked that a large aerial of the site be provided so the Committee could actually spot the trees. There are a lot of lot lines, back yards, front yards, etc. and if there are any large trees, we would like to save those.

Jerry Chomanczuk asked how the Commission missed this in the first presentation. Who caught this?

Jim Anderson responded that he would take full responsibility. Initially, he thought the development complied with the Ordinance. A woodland analysis of the site was done by Vine & Branch—a tree inventory was done as well; in the process, a certain portion of the site was classified as tree preservation and it did not meet the standards of the Ordinance. By the time this was discovered, the deadline had passed for filing the Notice and the petitioner had to file again for

the Waiver.

The plan has not changed from the initial submission; approximately two-thirds of the site is woodlands, one-third is open. There are probably seven or eight lots (out of 19) that are heavily wooded and would be affected. There is an existing home on this site currently. The petitioner said he has tried very hard to preserve as many trees as possible.

Jerry Chomanczuk suggested that the petitioner bring with him to Committee all of the items requested by the Department. The Commission members do not take the removal of trees lightly.

Mark Rattermann asked exactly how the analysis was done—is it in relation to where the houses are situated on the lot—the building pads?

Matt Griffin responded that the petitioner does the woodland survey or analysis, and then the proposal is overlaid on it; the petitioner then brings the numbers to the Department that they would like to remove—X number, more than the Ordinance allows, with the homes positioned. The petitioner tags the trees, and if they are in the center of a building site, obviously, they will have to tag that as “proposed for removal.”

Carol Schleif was curious as to the number of trees and their location and whether or not there was a cross-reference. Is there any way to get all of the new information prior to Committee?

Matt Griffin said that the information would be submitted to the Commission members with the information packets.

Docket No. 06030028 SW, Village on the Monon was referred to Subdivision Committee for further review on June 6, 2006 at 6:00 PM.

4H. **Docket No. 06040007 DP/ADLS: Riverview Medical Park, Ph 2**

The applicant seeks site plan & architecture approval for a medical office building. The site is located at 14555 Hazel Dell Pkwy and is zoned PUD/Planned Unit Development. Filed by Mark Monroe of Wooden & McLaughlin LLP.

Mark Monroe, attorney with Wooden & McLaughlin, One Indiana Square, Suite 1800, Indianapolis, appeared before the Commission representing Plum Creek Partners, owner/developer of Riverview Medical Park, Parcel 2. Also in attendance: Corby Thompson, principal of Plum Creek Partners.

The site is located at the southeast corner of 146th Street and Hazel Dell Parkway, zoned PUD. In the informational packets, an aerial photograph is included that identifies the site as being one property east of Hazel Dell on the south side of 146th Street; to the west is the 5/3 Bank branch, to the north is Noblesville’s jurisdiction and the Noble West project. 146th Street is the northern boundary. The Riverview Medical Office Park is directly to the east, and to the immediate south is the Hazel Dell Christian Church.

The site plan indicates a 9,500 square-foot medical office building together with landscaping and

ample parking for the site. This is technically Phase I of the development; there will be a phase II and another building with additional parking.

Comments have been received from the City Urban Forester and the petitioner has agreed to species changes recommended for the site. The species includes placing Honey Locust Trees in the parking lot as well as Red Maple Trees along 146th Street. These changes have been made to the site landscape plan in agreement with the Urban Forester.

The site lighting plan is shown under Tab 4. The circles show the extent of the site light spillage—essentially all of the light spillage at the boundaries in accordance with the PUD ordinance for the site. The light fixture chosen is identical to the other site lighting fixtures for the 5/3 Bank located in the Riverview Medical Park building.

The packet also shows the building design, primarily brick, both façade and phase on all four sides of the building with EFIS and wood trim. The roof design incorporates the diamond design that has been utilized in the design of the three other buildings on site. The material sample board displayed the brick choices, the stone accents, and the siding choices. The roof shingles were also shown.

The architecture has been incorporated into all four sides of the building, including the rear of the building. The signage was also displayed showing back-lit, bronze letters, individually illuminated—again in compliance with the Carmel Sign Ordinance. There are no outstanding issues from the Technical Advisory Committee meeting of April 19. No variances or waivers have been requested.

Members of the public were invited to speak in favor of or in opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin: As indicated by the petitioner, the Riverview Medical Park PUD was approved in 2002 and as proposed, this building blends into the plan and meets the requirements. Also as stated, the proposed landscape plan originally did not meet the PUD standard however, the petitioner has committed to altering their plan so as to comply. The site complies with the governing PUD and the building itself actually complies with the building shown in the PUD, the Department is recommending consideration for waiving the Rules of Procedure and making a final decision vote this evening.

Leo Dierckman asked about the size of the lighting fixtures on the building and whether or not it was in keeping with the others at this location.

Mark Monroe responded that the size of the fixtures is actually a little smaller than those already in place on the other buildings. There is an existing 5/3 Branch Bank at the corner of 146th and Hazel Dell, two other existing buildings for the Riverview Medical Park, fully completed. The Medical Office building being proposed will be part of the existing medical office park. The building incorporates brick, trim, shingles, and other architectural features of that building as well as the 5/3 Bank to the west that also has identical brick design, shingles, colors. All of those features have been incorporated on parcel two.

Steve Stromquist thought the shingles shown in the exhibit looked a lot lighter in color; however, Mark Monroe said that the shingles and the diamond pattern are identical to the existing.

Leo Dierckman made formal motion to waive the Rules of Procedure, seconded by Rick Ripma, Approved 9-0.

Leo Dierckman made formal motion to approve **Docket No. 06040007 DP/ADLS, Riverview Medical Park, Phase 2**, seconded by Madeleine Torres, **APPROVED** 9-0.

5H. Docket No. 06040017 PUD: Townhomes at Central Park

The applicant seeks to create 110 townhomes on 8.8 acres.

The site is located at 11400 Westfield Blvd. and is zoned R1 Residential

Filed by Mary Solada of Bingham McHale for Mann Properties.

Mary Solada, attorney with Bingham, McHale appeared before the Commission representing Mann Properties. Also in attendance: Tim Stevens, Mann Properties; Greg Ewing, Brian Sullivan and Tim Seitz.

The petitioner is proposing 110 townhomes on 8.8 acres located at 11400 Westfield Boulevard. Each unit will be platted so that an owner will own their home and a small yard around it. The project is designed to meet a demand in Carmel for maintenance-free living. Townhomes add to the assessed value of properties and they have little impact on the schools. The profile buyer is typically an empty nester or young professional.

The petitioner has met with a number of agencies of Carmel as well as the Parks Department, the Department of Community Services and Engineering. A lot of time has been spent discussing how this project will fit in to Carmel, particularly Central Park. It is important to emphasize that this project is totally consistent with Carmel's new civic design plan.

Quality materials will be utilized and the front facades will face perimeter roads; on Westfield Boulevard, the front of the units will face east, again the front facing the street. The goal is for a walk-about community with a lot of internal sidewalks and proximity/accessibility to Central Park. Clearly, the profile buyer is someone who desires to live next to the park. This proposal is for a new housing-type in the area and adds to the housing diversity for the area. Again, the proposal is consistent with design concepts that the Planning Department has put forth in the last year or so.

Upon driving into the development, the entry presents a green boulevard—the streets are private, there will be decorative lighting and signage. There are some concerns with trying to make this a unique design. The proposal is a very urban theme with lots of brick—very well built and unique architecture.

The townhomes are ten feet apart, three stories, approximately 1400 square feet. Again, 70% of the front façade will be masonry, (brick, stone or stucco) no vinyl, homes would face Westfield Boulevard, with a park entry road on the southern boundary of the property. Any home that faces the entry road on the south would be the front elevation. All units have a two-car garage and

adequate guest parking.

The petitioner has met with Scott Brewer, Urban Forester, to discuss the landscape plan. A new plan will be in being by the time the project moves to Committee. The petitioner has also worked closely with the Department of Engineering—there has been good communication with the Dept. of Community Services. The petitioner is talking with Scott Brewer regarding connectivity to the Park and also the Parks Board. The connectivity may or may not happen, but the petitioner would love to see it happen. The Department has also requested on-street parking on Westfield Boulevard in order to create a sense of attraction and place as a new design concept in an urban theme.

At this point, comments and questions are welcome; the petitioner is looking forward to Committee review.

Public Remonstrance/Organized/Unfavorable

Duane Kennen, 1721 Wood Valley Drive, stated concerns regarding impact of traffic on Westfield Blvd., appropriate precedent for area; marketability of townhomes at this time, runoff and absorption of water into Carmel Creek.

Neal Eggison, Creekside HOA, concern with traffic, location of construction entrance, and the exterior of the buildings—they look like apartments rather than townhomes. Will Westfield be widened to accommodate additional traffic and how long will the project take to completion?

Individual Remonstrance/Unfavorable:

Frank Tardy, 19 Woodland Drive, concern with widening of Range Line Road to 116th Street—would there be left turns established for this project—the proposal will take out a lot of trees. Also concern with swelling of Carmel Creek with the amount of impervious land.

Judy Hagan, 10946 Spring Mill Lane, concern with the amount of paving on this currently beautiful piece of property; the concept is interesting and could be workable but too much paving. Also concern with proximity to inner-urban on the west side as well as encroachment on the Monon Trail, density of project, amount of paving. On-street parking on Westfield south of 116th Street does not make any sense at all. Internal communication with the Parks Dept. can be worked out.

Charles Park, Wood Valley Drive, was not aware of proposal until a week or so ago from a neighbor—the proposal does not fit with the urban concept and character of the area—large, wooded lots, wildlife, etc.—requested better flow of information.

Dr. Elizabeth Grossman, 11201 Westfield Boulevard, property owner for 53 years—grew up in New York City and came here for the rural surroundings. The renderings look like apartment buildings in Manhattan—not in favor.

Fred Frauhiger, 1744 Creekside Lane West, concern with property values, density—110 units—and traffic. The proposed development as well as any parking on Westfield would not fit the area.

Bill Kruger & wife Kathryn, 11429 Westfield Boulevard, 20 plus year-residents, live directly across from the proposed project. Mr. Kruger presented a computer-generated pictorial of the area

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showing his residence, the view from his residence, and the trees in the surrounding area. The biggest concern is the traffic impact on the residents in the immediate area as well as future widening of Westfield Boulevard and encroachment into the adjacent homes. There is also a concern with the number of townhomes being approved, and the possible negative impact on the number of trees in existence. The proposed entrance is directly across from Mr. Kruger's home and the result will be intrusion of headlights into his home 365 evenings a year.

Dianna Kertz, 11520 Westfield Boulevard—the house shown in the flood plain—said she was approached by Mann Properties with an offer for her home and chose not to accept it.

Dottie Weeks, Wood Valley Drive, concerned about erosion on Carmel Creek and flooding. The Creek will be over-saturated.

Rebuttal, Mary Solada: Extended an offer to all persons present this evening as well as their neighbors to meet with the petitioner and address some of the details. The petitioner has talked with Carmel Engineering and DOCS regarding traffic—frankly, the flow is already significant along Westfield Boulevard—it is uncertain that 110 units will cause the system to “break down.” The understanding is that Westfield Boulevard is being considered for widening, but it is not a “done deal” at this time—the if and when. There are significant improvements at 96th Street the turning circle and what is going on north of there, but the bottom line is there is no plan immediately to be announced to widen Westfield Boulevard because of this project or not because of this project. Drainage will be discussed at the neighborhood meeting and also discussed with Engineering. Market demand is what it is—we would not be here tonight if we didn't think there was a demand for this housing. Carmel requires a diversity of housing types and this proposal adds to that. The buildings are 3 stories; the construction period is two to two and one-half years. There will be trees removed, but we will also re-forest the site. Over time, the landscape amenities will be a real attraction and asset to the community.

Nancy Engeldow, lives across the street from the proposed development—how is notice determined—she was not notified of the meeting this evening except word-of-mouth.

Matt Griffin, DOCS went over the State requirements for notice 10 days prior to the meeting and 25 days notice provided in the Plan Commission Rules of Procedure, two properties deep or 660 feet, whichever is less.

Mark Rattermann noted that the Agenda and information packets for the meeting this evening are on the City website—information is readily available utilizing laserfiche.

Rick Ripma asked about the potential widening of Westfield Boulevard.

Matt Griffin responded with his understanding—that Westfield Boulevard would retain two lanes of traffic and a center dedicated turn lane, possibly with a median treatment. Westfield will probably not be widened to four lanes—if that is on the plans, it is not known by the Department. On-street parking has been factored into the re-design of Range Line Road. Some of the projects closer to City Hall have actually been setback to provide for a row of parallel parking—that is part of the long-term plan for Range Line Road.

Rick Ripma asked about the run-off from the Creek. Also, the Parks Department will have huge issues with people intruding into the Park and there should be some way of stopping that.

Matt Griffin said the run-off from the proposed site cannot be released at a higher level than currently being released on the site; the drainage will be looked at in-depth by the experts on the Engineering Staff.

Dan Dutcher commented about access to the park—landscaping in particular. The western boundary of this property is proposed as a path to be added to Central Park. The landscaping on the boundary is a high priority. If the petitioner has already addressed it with the Park Dept, OK.

Madeleine Torres asked the Staff what the thought was behind the PUD—higher density means more taxpayers, but what else?

Matt Griffin responded that Carmel has experienced a lot of growth—if we are going to go with density, it would be a wiser choice to concentrate that near the core of the city as opposed to paying for that density in the far reaches of the jurisdiction. In terms of higher density for the core, we would like to see that located next to amenities or walkable retail or office so that persons who live here actually have a reason to walk to places.

Carol Schleif commented that the building height is too high. At 10 feet, you will barely get a good-sized tree between buildings and a lot of dark spaces are being created. The side yard setback of zero feet on Westfield is questionable. The 10-foot setback is also questionable—we are getting a lot of massive building with almost no space between them. They are lined up in a row so that they are totally unusable. The building elevations should be varied—they are all the same. The roof lines should also be varied and the façade should be undulated, five or 10 feet in/out, otherwise, it does look like an apartment building. The buildings should not all be in a row—it is too efficient. The building mass needs to be varied—height, size, etc. Full foundation plantings need to be incorporated around the buildings. Six-foot evergreens are not going to make any difference as far as screening—there needs to be some good size trees. Front loading garages are not acceptable. Hardi-plank—change to a generic cement fiber-board, installed by certified installers. All three major companies are in court over this at present. The buildings are way out of line for the neighborhood—if there was not an intervening house, it would be different, but this is right in the middle of where it should not be. Parking along Westfield Boulevard is dangerous—the parking should be on site, and there should be more green space.

Kevin Heber said that a City-wide conservation plan is needed within the Comprehensive Plan. There should also be some kind of development value to this—it is adjacent to the park and there should be some worth of the conservation area. There are not a lot of guiding principles here. As far as access to the Park, personally, just a pathway on the western border would be best. This is an opportunity for the City and the Parks Dept. to negotiate this opportunity to have the path constructed all the way to 116th Street from the driveway to the Park. The path would come out at the bike shop on 116th Street. The latest site plan for Central Park is not known.

Leo Dierckman asked that the petitioner come to Committee with a revised site plan.

Docket No. 06040017 PUD, Townhomes at Central Park was forwarded to the Special Studies Committee for further review at 6:00 PM on June 6, 2006.

6H. Docket No. 06030024 DP Amend/ADLS: Carmel Family Physicians

The applicant seeks approval for the construction of a medical office building.

The site is located at 310 Medical Drive and is zoned B-8.

Filed by Mike Armstrong of Shamrock Builders for Carmel Family Physicians.

Steve Hardin, attorney, 970 Logan Street, Noblesville, appeared before the Commission representing the Carmel Family Physicians and Shamrock Builders. Also in attendance: Dr. Stephen Lang, Dr. Dan Crab, Dr. Rice Jones; and Scott Bordenay, Team Engineer with Shamrock Builders.

The site is directly across from the Post Office on Medical Drive. The proposed structure will replace a medical office building that was destroyed by fire late last year. The new building will be slightly larger than the previous structure and must be approved for DP/ADLS.

A total of 53 parking spaces are being provided; 47 are required.

In response to comments from the Department, the petitioner will be making revisions to the roofline by lowering it three feet—the size of the dormers has been increased.

The petitioner has been asked to decrease parking by six spaces in order to preserve some trees on site. This will be addressed prior to Committee. There is a question with respect to the dry detention area as proposed as to whether or not some type of retaining wall should be incorporated into the plan—this issue may go away.

Because of the fire, there is a hardship connected with this petition. There are a number of patients in the Fishers area who currently must drive to Michigan Road and it would be appreciated if the Plan Commission would be able to allow the final approval to occur at the Committee level. Even a matter of a couple of weeks would be of significant benefit.

At this time, the petitioner is requesting suspension of the Rules of Procedure to allow the Committee authority to grant final approval.

Public Remonstrance/Favorable:

Bob Battreall, 1319 Cool Creek Drive, requested that the Commission expedite the approval process for this petitioner for the sake of their patients as well as the entire community.

Carol Schleif commented that the dumpster could be relocated so that it is not directly in view as one drives into the facility. Also, the parking and traffic flow are somewhat awkward—landscaping might alleviate some of the problem.

Mark Rattermann noted that there would be a special meeting on Thursday, May 18, 2006—so far a single item Agenda. Perhaps this item could be sent to the special meeting and voted at that level.

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Mark Rattermann made formal motion to suspend the Rules of Procedure and forward **Docket 06030024 DP Amend/ADLS, Carmel Family Physicians** to the Special Studies Committee (special meeting) on May 18, 2006 with full authority to grant final approval, seconded by Rick Ripma, **Approved** 9-0.

7H. Docket No. 06030025 DP Amend/ADLS Amend: Pearson Ford

The applicant seeks Development Plan, Architectural Design, Lighting, and Signage Amendment approval for 30 acres, for the purpose building an addition to an existing building, for vehicle collision repair.

The site is located at 10650 North Michigan Road and is zoned B3/Business. The site is located partially within the US 421/Michigan Road Overlay District.

Filed by John Pearson of Pearson Realty, LLC, for Pearson Ford.

Dave Coots, attorney, Coots Henke & Wheeler, 255 Carmel Drive, appeared before the Commission representing Pearson Realty, LLC. Also in attendance: John Pearson, Pearson Ford; Mike Hoff, Falcon Engineering; Mike DeLay, architect.

The application is for a Development Plan Amendment, ADLS Amendment. The project is located at the northwest corner of Michigan Road and 106th Street. The existing structure on the site is the Pearson Ford Auto Dealership. The Development Plan is for further development of the balance of the site. Currently, approximately 9 acres of the property is utilized by the Pearson Ford structure, and the balance—25 acres, is to be a part of what is being presented this evening.

One of the features of the plan includes an entrance off of 106th Street. Nottingham Way progresses to the north, goes to the east and intersects on 421 across from the north entrance to the Marsh facility located to the east and the medical facility located directly across the street. To the north is future development and is not included in the ADLS material this evening. There are multiple opportunities for the development of that real estate, all of which will have to come back before the Plan Commission for ADLS approval at such time as the real estate is proposed for development. The B-3 Zone property is located within the Michigan Road Overlay District.

The two amendments to the existing structure at Pearson Ford are the subject of the ADLS Amendment. The first is an addition to the existing truck service area on the west end of the existing building to the north of the site. The 60X140 addition is a masonry-type structure. The new structure will have a block material, coated with a substance to give the appearance of an EFIS structure.

The second ADLS Amendment is on the south elevation of the southern building that fronts onto 106th Street. What exists presently will be changed to a “Quick-Lane” automobile service center for oil, lubrication, tire rotation, standard maintenance work associated with what the name “Quick Lane” implies. This is strictly a façade change in terms of the south elevation of the building.

The petitioner is also requesting ADLS approval of a new structure to be built to the west of the existing facility and will be a 30,000 square-foot collision center. The architecture of the facility is depicted in the informational packets (tab 6.) The east elevation faces the rear of the existing

Pearson Ford sales center and would face on Nottingham Way Drive. The structure is designed to give the appearance of a two-story structure and has faux windows. The structure also has exposure to 106th Street and is designed to meet the 421 Overlay criteria. The north elevation has the same appearance.

The landscape plan was submitted to the Urban Forester for review and some changes were requested. Changes have now been made to the landscape plan and the Urban Forester is in the process of reviewing those changes.

The lighting for the two structures will be consistent with the lighting that exists on the present facility—24-foot tall, down-directional lights—some are double faced, most are single-faced. There is some low level lighting along Nottingham Way to illuminate the street. The alignment of the street is with a future, inter-connection with the property to the north, currently the subject of a petition for the Wal-Mart facility before the Zionsville Plan Commission, even though a portion of the Wal-Mart facility will be in Hamilton County. Last evening, the Wal-Mart petition did not meet with a lot of success.

The detention area that services all of the development plan area is the portion of the property located in Boone County. The petitioner has met with the Zionsville Planning Dept. and have come to terms with them as far as what the detention area will look like—their preference is a retention area that will utilize wetlands structures; there will be a stream or waterfall feature and various amenities incorporated into the design to provide retention for the development. Ultimately, the water will discharge into another detention area located to the west, again, in Boone County.

Signage: The signage contained in the booklet is a little confusing—the petitioner presented a legend of the signage being requested for consideration. The petitioner has also prepared a second site plan identifying where the signs are located. The materials are red brick, split-face block giving the limestone appearance, and EFIS of the same material. The metal for the windows and frames are anodized aluminum consistent with the materials on the existing structure.

Public Remonstrance/Comments

Judy Hagan, 10946 Spring Mill Lane, wanted to verify the existence of a path on 106th Street.

Dave Coots responded that there is a 10-foot multi-purpose path along 106th Street as well as a 10-foot path along 421 Michigan Road.

The public hearing was then closed.

Department Report, Matt Griffin: The Department is requesting that this item be forwarded to the Special Studies Committee for review on June 6th.

Carol Schleif asked about the truck bay building that has a metal side—for expansion purposes. All of the other buildings are not metal—the building is masonry. If concrete block were used with stucco on it, it would be acceptable—it needs to match the rest of what is going on.

Dave Coots responded that the perimeter of the expansion to the truck service area is to be pre-cast

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concrete panels, coated with a material.....the building is metal right now because it is anticipated the building will expand in that direction. We could replace the metal with concrete panels.

Carol Schleif pointed out that on the new building, there are some elevations that have a lot of blank walls. Even if they are faux windows, more detail is needed for articulation.

Mike DeLay, architect, stated that there are actual windows that do let in natural light to the repair shop. However, they would be happy to add real, functional windows on the west elevation.

At this time, Jerry Chomanczuk asked that the Committee assignments be re-aligned to even out the work-load. Jerry also wanted to make sure that all of the work is not wasted at the 11th hour with problems with Zionsville/Boone County jurisdiction.

Dave Coots commented that the petitioner may or may not have an approval letter from Zionsville regarding the drainage by the time this item is heard at Committee on June 6th. Mike Hoff has re-designed the detention area according to Zionsville's concerns.

Docket No. 06030025 DP Amend/ADLS Amend, Pearson Ford was forwarded to the Subdivision Committee for further review on June 6, 2006 at 6:00 PM.

Leo Dierckman made formal motion to empower the Subdivision Committee with full authority to grant final approval of the DP Amend and ADLS Amend, seconded by Kevin Heber, Approved 9 in favor, one opposed (Westermeier.)

5H. Docket No. 06040021 CP: Comprehensive Plan Update 2006

The applicant seeks to update and reformat the Carmel/Clay Comprehensive Plan. Filed by the Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing the applicant. Brad Johnson, Ground Rules, Inc., consultant for the Department was also in attendance.

The draft of the updated Comprehensive Plan was distributed to all of the Commission members and has also been available on the City website for the last two weeks.

Brad Johnson then addressed the Commission based on the success of the presentation at the public open house. There were approximately 90 persons who came to City Hall to view the Comp. Plan, ask questions, and have open dialogue. The public engagement part of the process was started in November and meetings were held on the east, west, and central portion of the City. The document has been up-dated and a lot of "fluff" taken out. Also, obsolete, irrelevant content has been purged.

The under-developed areas and ever-decreasing acres were looked at with the question in mind: "Do we want to stay the course and let it build-out as it has been or is there a need or reason to deviate from that course? We also are striving to provide a foundation for foreign-base regulations. We have acknowledged the trend toward re-development and are trying to decide where the policy is appropriate, where it is not, and where the transition should take place.

Lastly, we have tried to create a document that is easier to understand and simple to read. We have taken a 500-page document and condensed it into something less than 150 pages.

There are five parts to the document. Part One is Community Profile. Part Two is the Comprehensive Plan Essence. Part Three is Land Classification Plan. Part Four, Transportation Plan. Part Five is the Critical corridors and sub-areas. Mostly, any information requested will be easily at your fingertips.

Brad Johnson further explained the sections of the Comprehensive Plan and certain classifications and terminology. The City is encouraging mixed-use types of developments. The Regional Vitality node is best illustrated by Clay Terrace development. There are employment nodes, transitional areas, residential uses, and purely urban classification—one in the secondary core, one in the primary core. What this does is create the palette for planning the future of the City, again deviating from just purely land use and encouraging mixed-use. The Transportation Plan has three parts: Thoroughfare Plan—vehicular transportation; Bicycle and Pedestrian facility, and Transit Plan. The last part of the Document is critical corridors and sub-areas. This section has been condensed into a unified format so that the document is very easy to navigate and to read and understand.

Members of the public were invited to comment on the draft of the Comprehensive Plan.

Public Comments/Favorable:

Andy Crook, 2288 West 136th Street, commented that there need to be some guidelines for development in the northwestern part of the Township that has occurred in the last ten years as well as density and identifying infrastructural needs, particularly electrical situations. A substation was needed in Mr. Crook's area and the developers were not willing to set aside land on their development and a neighbor sold property to the utilities company for a substation. The residents went to the City and asked for support and help—at that time, the City declined. Apparently there is case law that suggests that you can have some impact on where substations are located as well as the type of fencing and landscaping allowed. Mr. Crook highly encouraged the Commission to address this issue. Also, there should be some requirements for underground power lines as opposed to the overhead lines.

Pat Rice, 9659 Wild Cherry Lane, supports the Comp Plan up-date. However, some of the maps and texts are not in sync and need to be looked at. There may also be some confusion between the City Thoroughfare Plan, the 96th Street corridor, and the Hamilton County Plan. The map is labeled "Preliminary and Unverified Content;" this seems to be true of the text and this should be addressed. Pat Rice confirmed that she had submitted written comments from a previous review of the Comp Plan from an earlier meeting. There needs to be definitions—critical to the process. The central core is extremely important and should also be addressed. Ms. Rice recommended that this be divided and addressed in different ways. The Thoroughfare Plan is referred to inaccurately and this should also be addressed.

Judy Hagan, 10946 Spring Mill Lane; Will the public hearing remain open for additional public comments? Pleased to see that all of the individual plans accumulated over the last 8 years are

being consolidated into one document, particularly the environmental portion as it addresses the need for additional park land and the White River Greenway, perhaps some kind of overlay with official recognition in the plan. Supportive of the Alternative Transportation Plan that has been incorporated into the Comp Plan—it is critical to the true walk-ability and success and accessibility of the community. Would like particular emphasis in the plan of protection of the Monon Trail—it is appropriate to have an urban cross-section of the trail as it goes through City Center, it may have some different kinds of encroachment once it gets north of Old Town and south of Carmel Drive—we need to be very careful about development coming in and stripping away the tree cover—part of the covenant language on the Trail when the easement was obtained from the homeowners. Ms. Hagan would also like the Plan to address the importance of the residential corridor on 96th Street as was done previously for the Spring Mill Road residential corridor. One comment on the overall name of the plan: Annexation is not over, Clay Township is still out there, many of the staff seem to be from Carmel City instead of the total of Clay Township—this is a housekeeping thing. Ms. Hagan said she would meet with Adrienne to submit and discuss comments.

Steve Pittman, developer, Sander Court, Carmel. Steve was complimentary of Brad Johnson and the Department Staff. The 146th Street corridor is an important link to I-69. Another area to continue to look at is Haverstick from the Monon Trail down to 96th Street. The third area is the Illinois Street corridor. On one side of Illinois Street, buildings are recommended as 8 stories tall; on the other side of Illinois, single-family detached homes are recommended. This is a political thing, but please keep looking at and talking about this area.

Angie Molt, Auman and Newark Addition (immediately east of Range Line Road, south of 126th Street) questioned how the revised plan would be incorporated and integrated with their older neighborhood. From the looks of the plan, the intent is to urbanize her neighborhood 20 years out. Ms. Molt's neighborhood is stable homes with many in residence 20 plus years and many double families—the plan does not address this adequately. The 20/20 Plan made a statement that the “Residential needs take precedence over anything else,” and Ms. Molt would like to see that adhered to. Ms. Molt liked the environment aspect, but it is scary having commercial abut residential.

Public Comments/Unfavorable:

Dee Fox, 11389 Royal Court, has no problem with transportation or environmental, but does have a problem with density and what is allowed next to what. The Comp Plan talks about allowing up to 4.9 and that is totally, totally unacceptable. On one hand it talks about preserving the unique, rural character of the area, and on the other hand is the increased density—these two do not go together. There is no assurance in the plan regarding PUDs. The western part of the township has less parkland than anyone else—can something be done to turn some of the undeveloped land into park area?

Marilyn Anderson, 3884 Shelborne Court, southwest Clay, has two huge issues—suburban residential classification zoning that ranges from 1.0 to 4.9 units per acre. It is difficult to look at 4.9 as suburban instead of urban. Marilyn recommended breaking down the huge range in density and that the classification be split. Also, looking at the map—the highest density needs to go on the largest thoroughfare. There is already an established low-density area developed and it makes sense to cluster the low density where it is already in existence as well as in the center between

Meridian and Michigan where you want the least traffic because it will have to reach the outer edges. One of the areas on the map as a conservation area has already been approved for a development plan under the old Cluster Ordinance—this is a housekeeping matter and needs to be looked at. Ms. Anderson asked that the Commission take another look at potential problems leaving the zoning classification from 1.0 to 4.9 and put the low density closest to Michigan Road and the higher density on the inside.

Jeff Scott, 880 West 116th Street, had one unfavorable comment. In regard to 116th Street, the corridor was not listed in the Comp Plan as a critical corridor and this was to be addressed. Also, the area is already built-out and Mr. Scott would like to see 116th Street look more like the 96th Street critical corridor—it would be more in keeping with a residential area.

Harry McLaughlin, Jr., 11201 Basswood Court, said he had attended the meeting on Saturday regarding the Comp Plan. There are certain areas that need special attention and need to be focused on. The conservation residential district is a good idea because it identifies some heavily wooded acreage and home sites and these areas definitely need to be preserved. Mr. McLaughlin thought that a 120-foot parkway would be too wide for this residential area.

Karen Carter, 918 East Auman Drive, said the Comprehensive Plan and the proposed Gramercy Park project are squeezing her area out of existence. The Auman Addition has been a suburban area for more than 40 years and it is questionable whether or not they should be pushed into an urban area that is shown in the Comprehensive Plan. Ms. Carter felt that the Comprehensive Plan would increase their taxes rather than decrease their taxes due to the fact that there will be more air pollution, energy uses, installation and usage of sewers—all of which costs money. The Comprehensive Plan is not geared toward improving at a slow pace but rather at a fast rate.

Adrienne Keeling noted that the Comprehensive Plan that is before the Commission this evening is also on the City Website. The Comprehensive Plan review will be plotted out in a series of meetings so that the public can attend. The Department would like to include the full Plan Commission as well as City Council members to be involved in the review process so that the public does not have to appear again and repeat comments at the Council level. The meeting schedule is posted on the City website and the Carmel TV channel. The next public input meeting is June 6, 2006 at 4:30 PM in the Council Chambers.

Mike Hollibaugh, Director of the Department of Community services confirmed that it is the Department's intent that Council would be involved in the public review process of the Comprehensive Plan. The Department will do its best to accommodate schedules and be able to get a majority of Plan Commission and Council members as much as possible.

6H. Docket No. 06040002 SW: Woods at Lions Creek

The applicant seeks the following subdivision waiver:

06040002 SW SCO Chapter 6.03.20 Request to allow private streets

The site is located at east of W. 138th Street and West road and is zoned S1 Residential

Filed by Dave Barnes of Weihe Engineering for JC Developers, LLC.

Note: Heard with Item 1I under Old Business

Matt Skelton, attorney, Bingham, McHale, 970 Logan Street, Noblesville; Jim Langston, Langston Development; Muno Henderson, JC Developers.

The development site is located on the west side of West Road and consists of approximately 60 acres. The petitioner is proposing the construct 32 custom, high-end home sites; home prices are expected to exceed \$1.5 million.

The architectural standards for this development have been thoroughly reviewed by the Department Staff and various members of the Plan Commission—those standards are included in the informational packets.

Initially the petitioner appeared before the Commission on March 21, 2006 for public hearing and subsequent review by Subdivision Committee on March 30, 2006. The petitioner received a favorable recommendation at the March 30th Committee and returned to the full Commission at the April meeting. There was a late determination of the need for a waiver for this proposal, and there were not enough votes for an approval. Consequently, the petitioner was referred to Committee for review of the waiver for private streets.

The petitioner provided the Commission with a detailed analysis of the criteria specified in the Subdivision Control Ordinance that identifies when private streets might be a viable opportunity. Also, the second entrance was discussed at length with Subdivision Committee members and this has now been thoroughly addressed. With that, all of the outstanding items have been addressed.

Letters from surrounding neighbors in support of the private streets, gates, and access were also submitted in the informational packets

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin: With the entirety of the primary plat and the other waivers that were considered by the Committee and forwarded to the Commission with a favorable recommendation, the current Subdivision Waiver for private streets is also recommended for approval. These items may be approved together or separately.

Kevin Heber commented that the petitioner has not adequately demonstrated a hardship for the subdivision waiver. Also, in looking at the Subdivision Control Ordinance, there is not a lot of direction or guidelines for private streets and this should be looked at.

Rick Ripma reported for the Subdivision Committee. The biggest issue was the private streets. The Committee looked at the layout of the lots, the lot lines, etc. The cul-de-sac and where it was located as well as one access were also issues. The surrounding neighbors are OK with the layout, and the Committee was hesitant to change that—this only involves 33 lots. However, the Committee unanimously recommended favorable approval of the Subdivision Waiver for private streets at its meeting May 04.

Dan Dutcher noted that the focus of the discussion at the last Committee meeting was the criteria for private streets. A lot of the members were not comfortable with the single access. The request for private streets does meet the Department standards. The language in the Ordinance still does not seem clear as it relates to pedestrian paths—that pedestrian paths will include access not only within the subdivision but also will include access to the pedestrian path that runs along West Road. This is the standard that was applied to the Subdivision, and the Committee was a little more comfortable with private streets.

Matt Skelton confirmed that the petitioner agreed to install gates with pedestrian and bike access.

Mark Rattermann made formal motion to approve **Docket No. 06040002 SW and Docket No. 06020016 PP, Woods at Lions Creek, together with the Subdivision Waivers** as follows: **Docket Nos. 06020019 SW, 06020020 SW, 06020021 SW, 06020022 SW**, seconded by Rick Ripma, **APPROVED** 9 in favor, one opposed (Heber).

I. Old Business

1I. Docket No. 06020016 PP: Woods at Lions Creek

The applicant seeks to plat 33 lots on 59.097 acres.

The applicant also seeks the following Subdivision Waivers:

Docket No. 06020019 SW: SCO Chapter 6.05.01

Lots – request to permit lots with less than 50 feet of right of way frontage

Docket No. 06020020 SW: SCO Chapter 6.05.07

Orientation of Home – request to allow dwellings to face internal street

Docket No. 06020021 SW: SCO Chapter 6.03.07

Cul-de-sac Length – request to have cul de sac in excess of 600 feet in length

Docket No. 06020022 SW: SCO Chapter 6.03.21

Stub Streets – Request to have only one point of access (no stub streets)

The site is located at 4343 W. 138th Street and is zoned S1 Residential

Filed by Allen Weihe of Weihe Engineering for JC Developers, LLC.

Note: See Item 9H under Public Hearings—**APPROVED** 9 in favor, 1 opposed (Heber.)

2I. Docket No. 05120026 Z and 05120027 DP/ADLS: Village Green PUD

The applicant seeks to rezone 9.42 acres from R2/Residential to PUD/Planned Unit Development for the purpose of creating 50 townhomes.

The site is located 211 W. Smokey Row Rd.

Filed by Jim Shinaver of Nelson and Frankenberger for Bay Development Co. and Drees Premiere Homes Inc.

Jim Shinaver, attorney, Nelson & Frankenberger, appeared before the Commission representing the applicant. Also in attendance: Bruce Sklare, Bay Development, and John Talbot, Drees Homes.

The site is located just south of the Traditions on the Monon project and immediately north of an apartment complex. The petitioner first appeared before the full Commission for public hearing on February 21 and subsequent review by the Special Studies Committee.

Jim Shinaver distributed the revised site plan and explained some of the changes to the site. The number of units has been decreased from 50 to 48 units. With the location of the tree conservation area, the detention pond planned for this area has been eliminated so as to conserve additional trees. The original plan also included a full connection to the south that would connect to the apartment complex property. However, during the Committee review process, the petitioner agreed to eliminate the full connection. The petitioner will still provide brick pavers for access for emergency vehicles to the south but not day-to-day traffic. The petitioner has also agreed to incorporate internal connections from the site over to the Monon Trail.

A significant portion of the site has been designated as a tree conservation area. As a side note, Jud Scott, Vine & Branch has worked closely with Scott Brewer, Urban Forester, to review the status of the trees on the site.

Regarding the elevations: Drees Homes will be the builder of the townhomes, the anticipated price range is \$250,000. This particular product is new to the market and is a semi-custom product and buyers will have some input as to choice regarding certain architectural features and certain floor plans. This product is unlike most of the townhomes currently being constructed in Carmel. The anticipated demographics are primarily young professionals without children and empty nesters.

The rear elevation of the townhomes show primarily hardi-plank on the units; however, during the Committee process and discussion with the Dept. staff, there was an express desire to change the materials on the rear elevations that face the Monon Trail. Drees has changed the materials to brick on the rear elevations of all units that will be developed on this site. There is also significant detail and effort regarding the window treatment, the gables, the rooflines, and also the architectural relief seen on the exhibit that includes the bump-out on the elevation.

A request was made at a Committee meeting to remove any existing deed restrictions relating to the Monon Trail and the petitioner has agreed to do so. The petitioner has also worked closely with the Engineering Dept. regarding roadway improvement commitments. The petitioner has now filed written road improvement commitments with the DOCS and Engineering and those have been deemed acceptable to the Department. Jud Scott has also prepared and filed a woodland analysis, a visual tree assessment and a tree preservation plan as part of this project. A wetlands analysis and operations analysis have also been submitted.

The petitioner has put into place a back-yard habitat program through representatives of the Indiana Wildlife Federation. This particular program is similar to the one instituted for the Kensington Place neighborhood.

Lastly, communication from Gary Duncan, Dept of Engineering, and Scott Brewer, Urban Forester indicates that their issues have been addressed. The petitioner believes that this townhome design is unique and that the PUD sets forth the mechanism to conserve a significant portion of the trees on this particular site.

Department Report, Matt Griffin: At the last Committee meeting, the questions came up regarding Traffic Impact Studies and Wetlands Study and how the City processes those studies when they are

requested. Comments from Scott Brewer, Urban Forester, and Gary Duncan, Engineering have been included in the Department Report. At this time, the petitioner has addressed all of the outstanding concerns satisfactorily and the Department is recommending that this item be forwarded to the City Council with a positive recommendation.

Committee Report, Leo Dierckman: The Special Studies Committee reviewed this item. The wetlands were an issue as well as the tree preservation. A lot of work was done on the architectural design as well as site layout. Regarding the wetlands, it is important to note that with a site such as this, there are multiple government agencies in place that ultimately are instrumental in the management of wetlands and the preservation of those wetlands. It really becomes a lot bigger issue than the Plan Commission—the direct involvement is HUD—none of these things get developed unless approval is granted from the appropriate government body.

Regarding the trees: This was another area that came under close scrutiny. The final determination was that the petitioner has worked with the Committee and made appropriate changes regarding tree preservation. The petitioner has also worked with the Committee regarding the wildlife, and these are both positives. Although not perfect and preserving every tree, the site is much better than initially presented. In that regard, the Committee is satisfied with the project.

Jerry Chomanczuk noted that at the last Special Studies Committee meeting, there were only two of the five members present and Jerry attended as an Ex-Officio member. In fairness to the petitioner, a lot of work has been done. Jerry invited comments from the other committee members.

Mark Rattermann said he was familiar with the project and the changes in the architecture. Mark has no problem with the development.

Madeleine Torres said the Committee had reviewed this project several times and it really has come a long way. There has been input from the public regarding the trees, the wetlands, and hopefully everyone feels comfortable with the final result.

Kevin Heber noted that even though there has been a lot of work done, there is still a huge amount of trees that are coming down—big trees—political backlash trees. This is the kind of development that makes people cringe. It might look good on paper, but if you do a site visit, it is very disturbing. I wish we had a better idea of how this functions in terms of natural environment, species habitat, etc. beyond just the wetlands part of it—maybe how it might function as a park buffer (Meadowlark Park.) The last thing we need is to have mature trees come down. Specifically, nothing should be developed west of the Creek.

Madeleine Torres said she appreciated Kevin's comments but somewhat resented his comments regarding the trees. Madeleine did not want to see the huge, mature trees come down either, yet this is zoned R-2 and the petitioner has worked with the Committee more than developing under R-2 would have allowed. The petitioner could have eliminated more trees under R-2 and even cleared the entire site. With construction traffic, it would be questionable whether or not the trees would survive.

Carol Schleif noted the difference in allowable density in the R-2 zoning but did not want to touch on that. This site only has so much "buildable" area due to the Creek, flood plain, trees, etc. and so we

have massive buildings, ten feet apart, three stories high and asking for 45 feet building height, front-loading garages so tight that there is no room for a bush or shrub in the front yard and they are all lined up in a row. It is just too tight! We need to decide—maybe this is not the best use for this property. Maybe something else should happen here. The elevations are wonderful, the parking on 136th is good, the roof pitch change is great—however, the overall site plan is not good. Carol said she, too, did not want to see the number of trees come down. This is a special site and there is so little left that it would be a problem to get something to work here. Putting 45 feet along the Monon and 25 feet setback, that is too close. These are massive buildings and we need mature trees to go in—15-foot trees would be proportional with the size of the buildings.

Jerry Chomanczuk commented that this item has been one of the most heavily remonstrated projects before the Commission—issues such as traffic reports, wetlands studies, density and number of townhome projects in less than one mile radius—the remonstrators have said over and over, “Please connect the dots!” The individuals are identifying the critical problems being seen now—this particular report basically indicates that the project does not meet the criteria as a sole development. It is our job to connect those dots—that is on traffic. Regarding the wetlands, it is correct—it is not our jurisdiction and not our area to make those judgments. However, let’s understand what mitigation is. From layman’s knowledge of mitigation, the developer will take acreage, double that amount, and purchase land somewhere in Indiana, not necessarily Carmel community for the purpose of securing wetlands. Regarding the trees, the petitioner has made every good effort to take inventory and identify those trees that are dead/dying; however, refer to Scott Brewer’s report—not exactly a resounding endorsement basically saying that copies of the issues should have been received for comment. Jerry’s interpretation of the Urban Forester’s comments is not a ringing endorsement. Not every location is the best for this type of development. We do see parcels that do not lend themselves well to development, and this is one of them.

In response to questions from Leo Dierckman, Matt Griffin said that R-2 zoning on this particular 9-acre site would permit 3.9 units per acre.

There was further discussion regarding the site, the trees, and the owner of the property who would have the right to clear-cut if he chose to do so. With the current review of the Comprehensive Plan, special sites/properties need to be identified up front as preservation areas.

Matt Griffin commented that the petitioner did submit a traffic impact study for the site. The site does have less than 150 units, however, there are other sites in the area that affect the traffic. In terms of wetlands mitigation, the petitioner is actually proposing to remove a portion of the wetlands on the south end of the property and replace it within their own site in the floodplain area to change the contour of the land to make the wetland more toward the north. The wetlands will be on the same site, just re-located on the site.

John Molitor confirmed that indeed, the landowner could clear cut the land at his discretion. However, if the landowner later decided later to create a subdivision plat, it would create tremendous problems for that owner. The Commission could then require re-forestation.

Jerry Chomanczuk acknowledged members of the public in attendance requesting an opportunity to further comment. However, at this point, Jerry Chomanczuk said that there has been sufficient

dialogue, it has not been one-sided and several opinions have been expressed and duly noted on traffic, trees, wetlands, and the photos and power point were seen previously. The public hearing closed at the end of Committee review.

John Molitor advised the public that there would be another opportunity for public input at the City Council level before it takes a vote on any rezone.

Mark Rattermann made formal motion to **forward Docket No. 05120026 Z, Village Green PUD to the City Council** with a positive recommendation and to **approve Docket 05120027 DP/ADLS Village Green PUD**, seconded by Madeleine Torres, Approved 6 in favor 4 opposed (Heber, Stromquist, Chomanczuk, Schleif.) Motion Approved.

- 3I. **Docket No. 06010008 Z: Midtown Village PUD– CONTINUED TO JUNE 20**
The applicant seeks to rezone 18.82 acres from I1/Industrial to PUD for the purpose of creating mixed use development.
The site is located at 510 Third Avenue SW and is zoned I1/Industrial.
Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.
- 4I. **Docket No. 06020010 PP: Stafford Lane**
The applicant seeks to plat 51 lots on 29.079 acres.
Docket No. 06030022 SW: SCO Chapter 6.05.07
Orientation of Home – request to allow dwellings to face internal street
The site is located south of 146th Street and west of Gray Road, and is zoned R1
Filed by Matthew Skelton of Bingham McHale, LLP, for Drees Homes.

Steve Hardin, attorney with Bingham McHale, 970 Logan Street, Noblesville, appeared before the Commission representing the applicant. Matt Skelton, attorney with Bingham McHale and John Talbot, Drees Homes were also in attendance.

The petitioner appeared before the Subdivision Commission and received a favorable recommendation. As proposed, this development is a low density, high-quality subdivision plat request on approximately 29 acres located along 146th Street. The density computes to about 1.7 units per acre within the R-1 Zoning District that would allow 2.9 units per acre. Drees Homes is proposing 50 home sites and has included the building elevations.

The average sale price of the homes will exceed \$480,000. The original site plan provided for an entrance along western boundary of the site against the Copperwood neighborhood and the accessory drive to the east on the southern part of the site. During the review process, the Copperwood neighborhood strongly expressed a desire for Drees to re-locate the entrance drive and that change has now occurred and a revised site plan submitted showing the entrance drive to the eastern side of the project. Similarly, the stub street located to the south was moved to the middle of the adjacent site.

As a result of making the requested changes, the number of homesites has been decreased by one. As indicated in the Department Report, the outstanding comments have been addressed. In addition, at the request of the Staff, a set of written, architectural commitments has been provided. Drees has also agreed to comply with the Committee's request that if, in the future, the easement that is currently

located in the non-exclusive ingress/egress access easement that serves the Thompson residence were to be relinquished or acquired otherwise by Drees, Drees would agree to not allow vehicular traffic along the drive thereby creating limited access for pedestrians and bicycles.

One Waiver is being requested to allow homesites to face internal streets. Otherwise, the plat submitted complies with the Subdivision Control Ordinance.

Department Report, Matt Griffin: The Department is recommending approval of the primary plat as well as the Subdivision Waiver as forwarded by the Subdivision Committee. As so stated, all of the outstanding issues have been resolved with the Urban Forester, Engineering, and the Department.

Committee Report, Rick Ripma. This plat took several review meetings—there were a lot of issues—double frontage but everything was addressed and taken care of to the Committee's satisfaction. There were some items left undone prior to this evening, and according to the Department, those items have been resolved. There was also a comment that "The Committee should have given the public an opportunity to comment on the closing of the median and other requirements that had been opposed by the Hamilton County Highway Department." After reviewing the minutes, there are no less than five times that the Committee Chair asked for public comment and no one opted to talk about this. Also, the Plan Commission cannot control what the Hamilton County Highway does—that is not a part of the Commission's consideration.

The developer re-designed the community to try to accommodate all parties. This is a situation where there is a lot in the middle of a subdivision that is owned by an individual who has contracted with another developer. This is a situation that has never presented itself before. The Committee voted unanimously to forward this item to the full Commission with a positive recommendation.

Dan Dutcher recalled that significant time was spent at Committee focusing on the access—we made a decision based upon information that was available at that time. There may be more information available now—perhaps the Department could give a summary of the situation.

John Molitor, Legal Counsel responded that there seem to be two issues raised by the access—one is the issue of the open space requirement—this does not have merit—it is just a factual issue. The other is that the Commission could have exposure to litigation if the development cuts off the access; this might be reverse condemnation. This is an extraordinarily peculiar situation and not at all clear whether just approving the plat would give rise to reverse condemnation.

Rick Ripma stated he was assured by the Department Staff that the plat does meet the open space Requirement—Matt Griffin confirmed.

Steve Hardin addressed the Commission. Any issues with Hamilton County Highway Dept. have been worked through and all issues resolved or worked through with the County. The petitioner is asking the Plan Commission to act in its role as approving a Subdivision Plat according to the Ordinances of Carmel. The Thompson's attorney even appeared at Committee and specifically said they would not bring the City of Carmel into this and the Plan Commission would not be named as a defendant or a party—this is a private dispute. Now we find that it looks like a clear threat to the City and the Plan

Commission that if this is not Tabled until competing developers' plats comply in all respects to the Subdivision Control Ordinance, the City of Carmel will be joined in litigation. This is probably not the type of precedent that the City would want to establish or be involved in. Mr. Hardin requested that the Commission examine the proposed plat and determine whether or not it complies with the Subdivision Control Ordinance; if so, the petitioner respectfully requests approval this evening.

Leo Dierckman made formal motion to approved **Docket No. 06020010 PP, Stafford Lane and No. 06030022 SW**, seconded by Rick Ripma, **APPROVED** 10 in favor, none opposed.

There was no further business to come before the Commission, therefore the meeting adjourned at 10:30 PM.

Jerry Chomanczuk, President

Ramona Hancock, Secretary